HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4471 OF 2005.

Baburao Ganpatrao Pawar. ..Petitioner.

Versus.

The State of Maharashtra & Ors. ..Respondents.

Shri. A. Y. Sakhare, Senior Counsel i/b YKS Legal for the petitioner.

Shri. C. J. Sawant, Senior Counsel with Shri. Vinay Sonpal, A.G.P. for the respondents.

CORAM: S.B.MHASE &
S.R.SATHE JJ

DATE: JULY 17, 2006.

P.C.

1. Heard learned senior counsel Shri. A. V. Sakhare appearing on behalf of the petitioner. He makes a statement and suggestion that the respondents may consider to withdraw the impugned order of compulsory retirement dated November 3, 2004 and allow the petitioner to retire at the completion of age of 58 years in order to get all consequential benefits of retirement. He further states that in case this proposal is accepted by the respondents, the petitioner forgoes 50% of the arrears of salary (pay and allowances) from the date of the order of compulsory retirement till the retirement on superannuation, i.e.,

completion of 58 years of age. Learned senior counsel Shri. C. J. Sawant appearing for the respondents states that in this respect he has obtained written instructions from the respondents and therefore he makes a statement that the order dated November 3, 2004 terminating the services of the petitioner by compulsory retirement is hereby withdrawn and the petitioner is allowed to retire on completion 58 years of age, however, the petitioner shall stand by his commitment to forgo 50% of arrears of salary (pay and allowances) from the date of order of compulsory retirement till the date of retirement on completion of 58 years of age.

2. In view of the concessions given and statements made by the counsel for the petitioner and respondents, following order is passed.

: O R D E R :

The order dated November 3, 2004 effecting compulsory retirement of the petitioner is hereby stands withdrawn. The petitioner stands retired on completion of 58 years of age. The petitioner is not entitled for 50% of arrears of salary (pay and allowances)

from the date of order of compulsory retirement till the date of retirement on superannuation (i.e., on completion of 58 years of age). However, the petitioner will be entitled to all the benefits of pension, provident fund, etc., by way of consequential and incidental reliefs as a result of retirement from the service on superannuation on completion of age of 58 years. In the facts and circumstances parties to bear their own costs. Petition is disposed of in these terms.

(S.R.SATHE,J.) **(S.B.MHASE, J.)**

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